

**From:** Casey Gordon  
**To:** Microsoft ATR  
**Date:** 1/23/02 3:18pm  
**Subject:** Microsoft Settlement

Hello,

I am a US citizen who is concerned about the proposed Microsoft settlement. I do not work for Microsoft nor any of its competitors.

I have worked in computer support and computer related industries for over 10 years, using Windows, Mac OS, and Linux.

I believe the proposed settlement is inadequate and inappropriately designed. I don't believe it will restrict Microsoft's anti-competitive practices, nor do I believe it serves the public interest.

I have watched over 10 years time, as Microsoft has destroyed its competitors through:

- 1) licensing restrictions.
- 2) deliberate introduction of software incompatibilities to disable competing products ("Windows ain't done till Lotus won't run" - this is an old running joke among everyone I know in computer support).
- 3) leveraging income derived from sales of Windows and Microsoft Office to finance "free" software such as Internet Explorer and Windows Media Player, software that is intended to displace competitors such as Netscape and Real.
- 4) false claims of integration of software i.e. MS Internet Explorer and MS Windows. These programs can be installed and uninstalled as separate products and exist as discrete unintegrated applications (IE), such as IE for the Mac operating system.

Anyway, I believe the proposed Microsoft settlement has the following flaws:

The settlement fails to prohibit intentional incompatibilities historically used by Microsoft.

Microsoft increases the Applications Barrier to Entry by using restrictive license terms and intentional incompatibilities. Yet the settlement fails to prohibit this, and even contributes to this part of the Applications Barrier to Entry.

The settlement supposedly makes Microsoft publish its secret APIs, but it defines "API" so narrowly that many important APIs are not covered.

The settlement supposedly allows users to replace Microsoft Middleware with competing middleware, but it defines "Microsoft Middleware" so narrowly that the next version of Windows might not be covered at all. This has been a common practice of Microsoft's - write new software to avoid old agreements.

The settlement fails to require advance notice of technical requirements, allowing Microsoft to bypass all competing middleware simply by changing the requirements shortly before deadlines, and not informing ISVs until it's (practically speaking) too late.

The settlement does not require Microsoft to list which software patents protect the Windows APIs. This leaves software developers in limbo as to whether they are infringing on Microsoft software patents.

The settlement doesn't require Microsoft to release documentation about the format of Microsoft Office documents.

In conclusion, I urgently request the reconsideration and restructuring of the proposed Microsoft settlement

Thank you,

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